

**WORKFORCE INVESTMENT BOARD OF TULARE COUNTY**  
**WORKFORCE INVESTMENT ACT TITLE I-B ACTIVITIES**

**August 29, 2012**

**SUBJECT:**  
**Selective Service**  
**Registration**

**WIB DIRECTIVE**

**TUL12-02**

**TO:** WIB Service Providers  
WIB Staff

**SUBJECT: Selective Service Registration**

**EXECUTIVE SUMMARY:**

**Purpose:**

This directive provides guidance regarding Selective Service registration requirements for participation in Workforce Investment Act (WIA) funded services. Additionally, this directive contains model questions to help Local Workforce Investment Area (local area) staff determine whether failure to register by a current or potential WIA participant was knowing and willful.

**Scope:**

This directive applies to all local areas.

**Effective Date:**

This directive is effective upon release.

**REFERENCES:**

- WIA Section 189(h)
- Title 50 United States Code Appendix 453 (Military Selective Service Act)
- Title 20 Code of Federal Regulations Section 667.250
- Training and Employment Guidance Letter (TEGL) 11-11, Change 1, Selective Service Registration Requirements for Employment and Training Administration Funded Programs (January 20, 2012)
- Training and Employment Guidance Letter (TEGL) 11-11, Change 2, Selective Service Registration Requirements for Employment and Training Administration Funded Programs (May 16, 2012)
- TEGL 8-98, Selective Service Registration (November 4, 1998)
- WIA Job Training Automation System Client Forms Handbook
- WSD-12-8 (August 28, 2012)

**STATE-IMPOSED REQUIREMENTS:**

This directive contains no State-imposed requirements.

## **FILING INSTRUCTIONS:**

This directive supersedes TULWIBD 12-01, dated April 3, 2012.

## **WORKFORCE INVESTMENT BOARD of TULARE COUNTY (WIB) IMPOSED REQUIREMENTS:**

*WIB-imposed requirements are printed in bold, italic type.*

### **BACKGROUND:**

Only those males who are subject to, and have complied with, the registration requirements of the Military Selective Service Act are eligible for participation in WIA funded programs and services. Section 189(h) of the WIA requires the Secretary of Labor to ensure that each individual participating in any WIA program, or receiving any assistance under the Act, has not violated the requirements of Section 3 of the Military Selective Service Act. This section requires that every male citizen and every other male residing in the United States must register with Selective Service between their 18th and 26th birthday. This section also requires the Director of the Selective Service System and the Secretary of Labor to cooperate in carrying out these provisions.

### **POLICY AND PROCEDURES:**

All programs and services established or receiving assistance under Title 1 of WIA must comply with Selective Service registration requirements. These requirements apply to both formula and discretionary grants awarded by the Employment and Training Administration under WIA. These requirements do not apply to programs funded or authorized solely by the Wagner-Peyser Act.

#### **Selective Service Registration Requirements**

Males born on or after January 1, 1960, are required to register with Selective Service within 30 days of their 18th birthday and up to, but not including their 26th birthday.

This includes males who are:

- Citizens of the U.S.;
- Non-citizens, including illegal aliens, legal permanent residents, seasonal agricultural workers, and refugees who take up residency in the U.S. prior to their 26th birthday;
- Dual nationals regardless of whether they live in the U.S.; and/or
- Veterans discharged before their 26<sup>th</sup> birthday.

For U.S. citizens, Selective Service registration is not required if the male falls within one of the following categories:

- Males who are serving in the military on full-time active duty;
- Males attending the service academies;
- Disabled males who were continually confined to a residence, hospital or institution;
- Males who are hospitalized, institutionalized, or incarcerated are not required to register during their confinement; however, they must register within 30 days after being released if they have not yet reached their 26th birthday.
- Veterans discharged after their 26<sup>th</sup> birthday

For non-U.S. citizens, Selective Service registration is not required if the man falls within one of the following categories:

- Non-U.S. male who entered the U.S. for the first time after his 26th birthday. Acceptable forms of supporting documentation include:
  1. Date of entry stamp in his passport;
  2. I-94 with date of entry stamp on it; or
  3. Letter from the U.S. Citizenship and Immigration Services indicating the date the man entered the U.S. (shown along with documentation establishing the man's age).
- Non-U.S. male who entered the U.S. illegally after his 26th birthday. He must provide proof that he was not living in the U.S. from age 18 to 25.
- Non-U.S. male on a valid non-immigrant visa.

NOTE: The requirement for transsexual, transgendered, and intersex individuals to register with Selective Service depends upon the gender recorded on their birth certificate. If an individual is recorded as a male, that individual would need to register for Selective Service regardless of their present sexual identity (e.g. sex change from male to female). However, if that individual's birth certificate is later changed to reflect a female identity, that individual would not be required to register.

Additional information regarding registration requirements can be found on the Selective Service website at [www.sss.gov](http://www.sss.gov). This website also provides a quick reference chart listing who must register at [www.sss.gov/PDFs/WhoMustRegisterChart.pdf](http://www.sss.gov/PDFs/WhoMustRegisterChart.pdf).

### **Acceptable Documentation**

In order to be eligible to receive WIA-funded services, all males born on or after January 1, 1960, must present documentation showing compliance with the Selective Service registration requirement. Acceptable documentation to determine a person's eligibility for WIA Title 1 programs include:

- Selective Service Acknowledgement letter
- Form DD-214 "Report of Separation" (use only if veteran was discharged after his 26<sup>th</sup> birthday)
- Screen printout of the selective Service Verification site:  
[www.sss.gov/RegVer/wfVerification.aspx](http://www.sss.gov/RegVer/wfVerification.aspx). For males who already registered, this website can be used to confirm their Selective Service number as well as the date of registration, by entering a last name, social security number, and date of birth.
- Selective Service Registration Card
- Selective Service Verification Form (Form 3A)
- Stamped Post Office Receipt of Registration

### **Registration Requirements for Men Under 26**

Before being enrolled in WIA-funded services, all males who are not registered with Selective Service and have not reached their 26th birthday must register through the Selective Service website at [www.sss.gov](http://www.sss.gov). If a male turns 18 while participating in WIA-funded services, registration with Selective Service must be completed no later than 30 days after he becomes 18 in order to continue to receive WIA-funded services. If a

male under the age of 26 refuses to register with Selective Service, WIA-funded services must be suspended until he registers.

### **Non-Registration by Males 26 and Over**

Before enrolling in WIA-funded services, all males 26 years of age and older, must provide either:

- Documentation showing they were not required to register; or
- If they were required to register, documentation establishing that their failure to register was not knowing or willful.

Individuals who did not register for Selective Service or who cannot provide any of the documentation listed in the "Acceptable Documentation" section of this directive must obtain a Status Information Letter from Selective Service indicating whether they are required to register. The Request for the Status Information Letter form can be accessed at [www.sss.gov/PDFs/infoform.pdf](http://www.sss.gov/PDFs/infoform.pdf) and the instructions can be accessed at [www.sss.gov/PDFs/instructions.pdf](http://www.sss.gov/PDFs/instructions.pdf). The individual will need to describe, in detail, the circumstances that prevented him from registering (e.g., hospitalization, incarceration, military service) and provide documentation of those circumstances. The documentation should be specific as to the dates of the circumstances.

### **Status Information Letter**

If the Status Information Letter indicates that an individual was not required to register for Selective Service, then he is eligible to enroll in a WIA-funded service. If the Status Information Letter indicates that the individual was required to register and now is unable because he is 26 or older, he is presumed to be disqualified from participation in WIA-funded activities and services until it can be determined that his failure to register was not knowing and willful. All costs associated with grant-funded services provided to non-eligible individuals may be disallowed.

An individual may obtain a Status Information Letter from the Selective Service if he:

- Believes he was not required to register; or
- Did register but cannot provide the appropriate documentation.

### **How to Determine "Knowing and Willful" Failure to Register? (Documentation and Model Questions)**

If the individual was required but failed to register with Selective Service, the individual may only receive services if he establishes by a preponderance of the evidence that the failure to register was not knowing and willful. The local area that enrolls individuals in WIA-funded activities, and is thereby authorized to approve the use of WIA grant funds, is the entity responsible for evaluating the evidence presented by the individual and determining whether the failure to register was knowing and willful.

### **Documentation**

Evidence presented may include the individual's written explanation and supporting documentation of his circumstances at the time of the required registration and the reason(s) for failure to register. The individual should be encouraged to offer as much evidence and in as much detail as possible to support his case. The following are examples of documentation that may be of assistance in making a determination in these cases:

- Service in Armed Forces. Evidence that a man has served honorably in the U.S. Armed Forces such as a Form DD-214 or his Honorable Discharge Certificate. Such documents may be considered sufficient evidence that his failure to register was not willful or knowing.
- Third Party Affidavits. Affidavits from parents, teachers, employers, doctors and others concerning reasons for not registering may help grantees in making determinations in cases regarding willful and knowing failure to register.

### Model Questions

In order to establish consistency regarding the implementation of the requirement, local areas should consider the following questions as a model when determining whether a failure to register is knowing and willful.

In determining whether the failure was “knowing,” local areas should ask:

- Was the individual aware of the requirement to register?
- If the individual knew about the requirement to register, was he misinformed about the applicability of the requirement to him (e.g. veterans who were discharged before their 26th birthdays were occasionally told that they did not need to register)?
- On which date did the individual first learn that he was required to register?
- Where did the individual live when he was between the ages of 18 and 26?
- Does the status information letter indicate that Selective Service sent letters to the individual at that address and did not receive a response?

In determining whether the failure was “willful,” local areas should ask:

- Was the failure to register done deliberately and intentionally?
- Did the individual have the mental capacity to choose whether or not to register and decided not to register?
- What actions, if any, did the individual take when he learned of the requirement to register?

Finally, a participant’s claim of ignorance (e.g. “I did not know...”) regarding Selective Service registration requirements should not suffice as enough evidence to make a determination if his failure was knowing and willful. Ask him for more evidence to support his claim.

### **LOCAL POLICY:**

#### **The Selective Service Status Information Letter**

***Upon request of the applicant, Selective Service will forward a Status Information Letter (SIL) directly to the applicant. If the individual was required to register and did not do so, the WIB will request a copy of the SIL for review, along with supporting documentation to determine if the failure to register with Selective Service was knowing or willful.***

### **Results of Findings**

If a local area determines that an individual’s failure to register with Selective Service was not knowing and willful and the individual is otherwise eligible, services may be

provided. However, if the authorized organization determines that evidence shows that the individual's failure to register was knowing and willful, WIA services must be denied. Individuals denied services must be advised of available WIA grievance procedures. Local areas must keep documentation related to determinations on Selective Service.

***The WIB Administrator or designee shall make the final determination of whether an applicant's failure to register with SSS was "knowing and willful."***

**ACTION:**

Please bring this directive to the attention of all WIB Service Providers and WIB Staff.

**INQUIRIES:**

Please direct inquiries about this bulletin to the Workforce Investment Board Administrative office, at (559) 713-5200.



Adam Peck  
Executive Director

AP:SP:llg

## **Summary of Comments**

### **Draft Directive “Selective Service Registration”**

There were four commenters to the draft version of this directive:

Commenter #1 inquired about Selective Service registration requirements and how it relates to discharge dates before and after the 26th birthday on the DD-214.

Resolution: The Selective Service Registration Requirements section on pages 2 and 3 addresses those who are required to register and those who are not required to register with the Selective Service. Veterans discharged before their 26th birthday are required to register, while veterans discharged after their 26th birthday are not required to register with the Selective Service. The EDD inserted an additional bullet in the section for U.S. citizens who are not required to register with Selective Service on page 3 of this directive. The bullet reads “Veterans discharged after their 26th birthday.”

Commenter #2 stated that the DD-214 does not indicate whether or not a client registered with the selective service and should not be listed as acceptable proof of Selective Service registration. The commenter requests that we clarify why serving in the military does not constitute compliance with the Selective Service registration requirement.

Resolution: The DD-214 can only be used to determine eligibility for WIA services if the client was discharged from the military after his 26th birthday. If the client was discharged before his 26th birthday he would have to supply one of the other documents listed in the section titled Acceptable Documentation on page 3 and 4.

Commenter #3 indicated that the EDD should be clear and specific as to what falls under the description of “honorable” discharge.

Resolution: The subject addressed in this directive is Selective Service registration, and a participant’s failure to register. However, the type of discharge (e.g. Honorable, General/Under Honorable Conditions, Other Than Honorable Conditions, Bad Conduct) regardless of category will help establish if the participant served in the military.

Commenter #4 commented that their clients (U.S. citizens and immigrants) often report that they were not aware of the requirement to register with the Selective Service. Commenter #4 asked how do they prove by a “preponderance of evidence” that the failure to register was not knowing and willful, and is the applicant’s statement enough?

Resolution: The EDD had previously included a section titled, “How to Determine ‘Knowing and Willful’ Failure to Register?” This section includes both documentation and model questions to assist the entity responsible for evaluating the evidence presented by the individual in determining whether the failure to register was knowing and willful.

